

REGULAR CITY COUNCIL MEETING
JANUARY 26, 1998

PRESENT

R. Dale Roper
Wesley Bloomfield
Gayle Bunker
Robert Dekker
Glen Swalberg

Mayor
Council Member
Council Member
Council Member
Council Member

ABSENT

None

ALSO PRESENT

Dorothy Jeffery
Neil Forster
Richard Waddingham
Judy Baker
Deb Greathouse
Greg Schafer
Bryce Ashby & Wife
Bruce Curtis & Wife and Sons
Phil Lambertsen
LaMar Stephenson
John Watson
Rodger Scoville
Bryan Sidwell
Derin Phelps
Sheryl Dekker
Mike Evans

City Recorder
Public Works Director
City Attorney
City Treasurer
City Librarian
City Employee
Fire Chief
City Residents
City Resident
City Resident
City Resident
City Resident
City Resident
Millard County Chronicle/Progress
City Resident

Mayor Roper called the meeting to order at 7:00 p.m. Dorothy Jeffery, City Recorder, acted as Secretary. Mayor Roper stated that notice of the meeting time, place, and agenda was posted at the principal office of the governing body, located at 76 North 200 West, and was provided to the Millard County Chronicle/Progress, KNAK Radio, and to each member of the City Council, by personal delivery, at least two days prior to the meeting.

Council Member Robert Dekker offered an invocation, after which Mayor Roper led the Council in the Pledge of Allegiance.

MINUTES

The proposed minutes of a Regular City Council Meeting held on January 12, 1998 were presented for consideration and approval.

Mayor Roper noted that a correction needs to be made on Page 4, Paragraph 3, regarding a Barter Potluck at Delta South Elementary School on Friday, January 16, 1998". The words "at Delta North Elementary School" which follow the date, should be deleted.

Council Member Wesley Bloomfield noted a typographical error on Page 6, Paragraph 1, Sentence 1: the word "beck" should be changed to "back".

Council Member Gayle Bunker noted a correction which should be made on Page 6, Paragraph 3. His motion regarding the proposed zone change should be corrected as follows: at the end of the motion, following "(approximately 25.9 acres)" should read "and to make sexually oriented businesses a conditional use in the I-1 zone."

Mayor Roper also noted that the first paragraph on Page 6, Sentence 3 reads ". . .sexually oriented businesses should be required to located. . ." and should be changed to read ". . .sexually oriented businesses should be required to locate. . .".

In addition, Mayor Roper noted an error at the end of Page 6 which reads "Mayor Dafoe asked if there were any questions. . .". The sentence should read "Mayor Roper asked if there were any questions. . .".

Following discussion, Council Member Gayle Bunker MOVED to approve the minutes of the Regular City Council Meeting held January 12, 1998, as corrected. The motion was SECONDED by Council Member Glen Swalberg. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

The proposed minutes of a Special City Council Meeting held January 21, 1998 were presented for consideration and approval. The Special City Council Meeting was held for the purpose of interviewing prospective appointees to the vacant Council Member position.

Following review, Council Member Gayle Bunker MOVED to approve the minutes of the Special City Council Meeting held January 21, 1998, as presented. The motion was SECONDED by Council Member Wesley Bloomfield. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a copy of which had been given to them two days prior to the meeting. Mayor Roper called the attention of the Council to an item on the list of accounts payable in the amount of \$12,450.25 to Westech. Mayor Roper advised the Council that, while Westech was in Delta excavating and re-asphalting streets for the purpose of installing cable, Public

Works Director Forster asked them to complete removal of dirt next to the curb on 300 North between 100 East and 250 East and replace the asphalt. When the invoice was received, it was considerably higher than was expected and, through negotiating efforts of Public Works Director Forster, Mayor Roper and Mayor Dafoe, the amount was reduced from \$42,000 to \$12,450.25.

Mayor Roper noted that the \$31,000 check to Millard County represents landfill fees which have been collected for Millard County.

Following discussion, Council Member Robert Dekker MOVED to approve the accounts payable, in the amount of \$91,029.07. The motion was SECONDED by Council Member Gayle Bunker. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR DALE ROPER: EXECUTIVE SESSION TO DISCUSS CHARACTER OF INDIVIDUALS PROPOSED TO BE APPOINTED TO VACANT COUNCIL MEMBER SEAT

Council Member Glen Swalberg MOVED to go into Executive Session for the purpose of discussing the character of the individuals proposed to be appointed to the vacant Council Member seat. The motion was SECONDED by Council Member Gayle Bunker. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The voting was as follows:

Wesley Bloomfield	Yes
Gayle Bunker	Yes
Robert Dekker	Yes
Glen Swalberg	Yes

The Mayor and City Council adjourned to Executive Session.

Following discussion, Council Member Gayle Bunker MOVED to return to open session. The motion was SECONDED by Council Member Robert Dekker. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously. The Council returned to open session.

MAYOR DALE ROPER: APPOINTMENT OF COUNCIL MEMBER

Mayor Roper expressed the appreciation of the Council to each of the prospective Council Member appointees and advised them that the decision was a very difficult one due to the great character of the individuals. He also reminded the prospective appointees that there are going to be opportunities to serve on the different boards and commission, such as Planning & Zoning, Board of Adjustments and Library Board, and he would like to get those individuals not appointed as Council Member involved in these boards and commissions.

Following his comments, Council Member Gayle Bunker MOVED to appoint Bruce Curtis to fill the vacant City Council position for the remaining two years of the four year term. The motion was

SECONDED by Council Member Wesley Bloomfield. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Mayor Roper congratulated Mr. Curtis on his appointment and asked him to come forward to have the City Recorder administer the Oath of Office. Mr. Curtis requested that the swearing in be postponed until his wife could come to the meeting. Council Member Bunker stated that there will be at least one City Council position vacant in two years, as he does not plan to run again. Council Member Bunker has been on the Council for thirteen years and feels that it is time to step down.

UNFINISHED BUSINESS

CITY ATTORNEY RICHARD WADDINGHAM: DELTA CITY PURCHASING POLICY

Mayor Roper explained to the Council that he recalled discussing this item last year, but it was never adopted. City Attorney Waddingham noted that the draft purchasing policy does not specify requirements for expenditures over \$5,000 but less than \$25,000.

There was a discussion regarding the existing policy governing expenditures. Council Member Wes Bloomfield felt that expenditures under \$500 should require department head approval, expenditures of \$500 to \$5,000 should require department head and mayor approval, and expenditures over \$5,000 should require Council approval. Mayor Roper responded that all expenditures over \$5,000 have been approved by Council prior to expenditure, unless it was an emergency purchase. Council Members Gayle Bunker and Glen Swalberg felt that, when the draft Purchasing Policy was discussed earlier, it was determined that expenditures between \$5,000 and \$25,000 would require a written bid and expenditures over \$25,000 would require publication of notice to bid.

Council Member Glen Swalberg MOVED to table discussion of the draft Purchasing Policy and instruct Mayor Roper and City Attorney Waddingham to check minutes of the previous discussion and bring a new draft Purchasing Policy before the Council and, in the interim, all purchases in excess of \$5,000 will be approved by Council. The motion was SECONDED by Council Member Robert Dekker. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR DALE ROPER: COMMUNITY PUBLIC ACCESS TELEVISION

Mayor Roper reminded the Council that Mr. Job Matusow appeared before the Council at the January 12, 1998 meeting to discuss this item. At that time, Mr. Matusow requested that the Council discuss the matter and, if they determined that they wanted community public access television, to write a letter to Insight Cablevision requesting the channel be supplied in the Delta area and designating Mr. Matusow as operator of the channel for Delta City.

Council Member Robert Dekker questioned whether Mr. Matusow would have exclusive right to the channel if Delta City designates him as the operator for the public access channel. Council

Member Bloomfield questioned whether a letter could be sent to Insight Cablevision requesting the channel but not designating Mr. Matusow as operator and, therefore, not restricting the operation of the channel.

Council Members agreed that the public access television channel is a good idea and they would like to provide it for Delta citizens, but they have questions which need to be answered prior to making a decision as to who would operate the channel.

Following discussion, Council Member Glen Swalberg MOVED to table discussion of this item until City Attorney Waddingham is able to acquire more information regarding public access television and Six County Access Television. The motion was SECONDED by Council Member Robert Dekker. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

NEW BUSINESS

Mayor Roper noted that Bruce Curtis' family had arrived and asked City Recorder Dorothy Jeffery to administer the Oath of Office to Mr. Curtis. Mrs. Jeffery administered the Oath of Office to Mr. Curtis and he took his seat with the Council.

COUNCIL MEMBER GAYLE BUNKER/JOHN WATSON: PROPOSED SINGLE LOT SUBDIVISION AT APPROXIMATELY 247 SOUTH 50 WEST

Council Member Gayle Bunker advised the Council that this item had been discussed by the Planning & Zoning Commission several months ago, but it had never been put on the City Council agenda. Mr. Watson has purchased a piece of property, located adjacent to his home, where he proposes to construct a garage or carport; therefore, Mr. Watson would like to have the property joined into a single lot. It was the recommendation of the Planning & Zoning Commission that Mr. Watson's request for the single lot subdivision be approved, with the condition that Mr. Watson sign the Improved Lot Agreement to guarantee his participation in any street improvements which may be done in the future.

Mr. Watson noted that there is a utility easement running between the two properties, where the carport will be constructed.

Council Member Gayle Bunker MOVED to approve the single lot subdivision for John Watson at approximately 247 South 50 West, as requested, and eliminating the utility easement, with the condition that Mr. Watson sign the Improved Lot Agreement. The motion was SECONDED by Council Member Glen Swalberg. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

City Attorney Waddingham had been absent when the motion was made to approve the single lot subdivision for Mr. Watson. Attorney Waddingham stated that it is his understanding that Citizens Telecommunications is the only utility company that has an easement on the property.

Accordingly, Citizens Telecommunications is the only one that can legally release their easement. Delta City has no authority to eliminate the easement.

Mayor Roper stated that it was his understanding that Citizens Telecommunications would not utilize the easement where it is presently located. Accordingly, the City Council granted the single lot subdivision pursuant to the aforementioned motion, with the condition that the City may not unilaterally eliminate the existing easement, if it is deemed to be valid.

FIRE CHIEF BRYCE ASHBY:1998 FIRE DEPARTMENT OFFICERS/ FIRE DEPARTMENT REPORT

Fire Chief Ashby reported that the Fire Department has election of officers every year. The results of the election this year was as follows:

Fire Chief	Bryce Ashby
Assistant Chief	Joe Poulsen
Captain	Lynn Ashby
Lieutenant	Ben Johnson
Secretary	Rick Bublit
Engineers	Bruce Curtis
	Doug Fisher

Fire Chief Ashby reported that Hale Jeffery was selected by the firemen as Fireman of the Year. Mr. Jeffery has served on the Department for 31 years, is always available, and is very knowledgeable. This year the Department started a new tradition in selecting the Rookie of the Year; the award went to Leonard Hardy, who joined the Department this year. When he joined, the Firefighter I training was partially done, but Mr. Hardy spent extra hours to catch up with the rest of the Department and to become certified with the other Department members.

Fire Chief Ashby expressed his feeling that the Fire Department has had a really good year. They feel that the new building, curb, gutter, sidewalk and asphalt parking area have really improved the looks of the Fire Department area. He reported that the Fire District has provided the Department with a new Ford one-ton truck, on which they are building a mini-pumper to replace the 20 year old GMC which they have been using. In addition, the County gave the Department an old ambulance which is being made into a back up rescue truck, which will also be used as a command post, and will provide extra rescue capabilities such as water rescue and rope rescue equipment. This makes a total of eight units operating in the Fire Department.

Fire Chief Ashby reported a good working relationship with the Millard County Fire District. He also reported that the Department had gone two years without a major structure fire then, in November, there were three major structure fires. Fire Chief Ashby has not yet received the final statistics for last year back from the State, but reported the following numbers through September, 1997:

Fire Calls	44
Building Fires	3
Vehicle Fires	1
Miscellaneous Fires	21
Mutual Aid w/other Fire Depts.	4

Mayor Roper commended the Fire Department for their service and for the training accomplished during the last year.

Council Member Wesley Bloomfield MOVED to approve the 1998 officers for the Fire Department and the Fire Department report as reported by Fire Chief Ashby. The motion was SECONDED by Council Member Glen Swalberg. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

CITY ATTORNEY RICHARD WADDINGHAM: AMENDMENT TO ORDINANCE NO. 86-103

City Attorney Waddingham advised the Council that he has prepared an amendment to Ordinance No. 86-103, but he encountered a problem and requested clarification. From the discussion at the January 12, 1998 Council meeting, it was the understanding of both Mayor Roper and Attorney Waddingham that the Council wanted to take back into the City portions of 200 South Street where improvements were not completed. At present, the street has been vacated, but deeds have not been signed because improvements have not been made. At this point, the property remains in the name of Delta City, but the property shows vacated on the plat.

The 19.5 foot portion on the north side of the street will need to be vacated and deeded to the property owners in order for the property owners to have proper set backs on their property. However, Mayor Roper's understanding is that the Council would like to un-vacate the property on the North, West and South of Block 25 in order to have straight streets. Council Members agreed that this is what they would like to accomplish. Council Member Wes Bloomfield asked if the Board of Adjustments could grant set back variances for those property owners, thus allowing Delta City to keep the street property and keep the street straight. Zoning Officer Forster agreed that variances were a possibility.

Council Member Gayle Bunker felt that the 19.5 feet on the North side, between 300 East and 400 East, could be vacated and the 79.5 feet retained by the City would be adequate for the street. Mayor Roper noted that, if the property in the next block were un-vacated and Delta City retains ownership, Delta City would be in a position to determine what size the street will be. Mayor Roper recommended that the North 19.5 feet of 200 South Street, between 300 East and 400 East, be deeded to the property owners where homes are already built, but un-vacate property on the remainder of 200 South Street. Public Works Director Forster concurred with Mayor Roper's recommendation.

Council Member Wesley Bloomfield MOVED to table discussion of the amendment to Ordinance No. 86-103 until the next City Council Meeting. The motion was SECONDED by Council Member Gayle Bunker. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

CITY ATTORNEY RICHARD WADDINGHAM: AUTHORIZATION FOR MAYOR TO SIGN QUIT CLAIM DEEDS FOR VACATED STREET (NORTH 19.5 FEET OF 200 SOUTH BETWEEN 300 EAST AND 400 EAST)

City Attorney Waddingham told the Council that there could be no action taken on this item until the amendment to Ordinance No. 86-103 is completed and advised that this item could be struck from the agenda inasmuch as it will be included in the amendment to Ordinance No. 86-103.

Council Member Robert Dekker MOVED to strike this item from the agenda. The motion was SECONDED by Council Member Wesley Bloomfield. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

CITY ATTORNEY RICHARD WADDINGHAM: PROPOSED TELECOMMUNICATIONS ORDINANCE

City Attorney Waddingham advised the Council that this item, as well as the next two items on the agenda; i.e., Proposed Franchise Ordinance and Proposed Right of Way Ordinance should not have been put on the agenda for action, but only for discussion. Attorney Waddingham explained that these items were drafts received from the Utah League of Cities and Towns, who requested that the items be distributed to the Council and that the Council consider adopting them.

Attorney Waddingham stated that there have apparently been some developers who have gone into various towns, each of which has different procedures for rights of way, franchises, etc., and the developers have requested that the Utah League of Cities and Towns encourage their members to pass a uniform ordinance. Attorney Waddingham advised the Council that the majority of towns have passed the ordinance.

Attorney Waddingham would like to have Council Members discuss the proposed ordinance and will distribute copies of the other proposed ordinances this week for review and later discussion.

Council Member Wesley Bloomfield MOVED to table discussion on this item, as well as discussion on the next two items on the agenda; i.e., Proposed Franchise Ordinance, and Proposed Right of Way Ordinance. The motion was SECONDED by Council Member Robert Dekker. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

OTHER BUSINESS

Council Member Glen Swalberg asked if the Council would publish a letter to Delta citizens again this Spring urging cleanup of property. The Council agreed that there are several places, especially along Main Street, which need to be cleaned up and they will publish another letter this Spring urging clean up of those and other properties.

Mayor Roper advised the Council that he has talked with the Delta City insurer regarding spraying the street corners and fire hydrants where weeds have become overgrown and learned that we are covered by insurance, but he feels a need to clear those weeds out and also to spray the puncture weeds.

Council Member Glen Swalberg thanked Public Works Director Forster for installing the stop sign on 350 West and 50 South.

Council Member Gayle Bunker asked the Council Members if they had any comments on his suggestion at the last meeting regarding removing the asphalt from the parking area in the City Park, along Main Street, and replacing it with grass. All Council Members and Mayor Roper agreed that the parking area should be removed and replaced with grass and asked Public Works Director Forster to begin asphalt removal.

Council Member Robert Dekker suggested that the Council should make a ruling regarding recording devices in City Council Meetings other than the one used for official minutes. Mayor Roper agreed with the suggestion and included a suggestion that any person requesting public information from Delta City, such as copies of minutes or accounts payable, must come into the Delta City Office during regular business hours and sign a formal request for the information. City Attorney Waddingham suggested that, if a procedure is set forth, a resolution should be adopted setting forth those procedures. He also advised the Council that the Government Records and Management Act (GRAMA) covers dissemination of information and Attorney Waddingham felt that GRAMA covers procedures for requesting public information from Government Agencies.

Attorney Waddingham also advised the Council that limiting, or requiring approval of, recording devices in the City Council Meeting can be determined by the Council and the Council can set forth the rules for conducting their meetings. Attorney Waddingham advised the Council to set out a complete procedure on conducting meetings rather than simply making reference to recording devices.

Mayor Roper advised the Council that there have been problems with locks in the City Building. Richard Mayber, of Delta Lock & Key, has done some work and has stated that some of the locks are in need of replacement. Mayor Roper asked Mr. Mayber for a proposal setting forth what would be required to re-key the City Building. Mr. Mayber was unsure how many keys would be required, but the keys are 75 cents each, and the cost of re-keying the locks, without the cost of keys included, is \$630.24. Mayor Roper noted that there is money in the budget for carpet and paint in the City Building, which will need to be done shortly, but he feels that re-keying the building now may save cost of repairs later. Mayor Roper clarified that this price would include replacing all locks, except in the Public Safety area of the building.

Council Member Robert Dekker MOVED to have Delta Lock & Key re-key all locks in the City Building, at a cost of \$630.24, plus 75 cents per key. The motion was SECONDED by Council Member Bruce Curtis. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Mayor Roper set out the following Department responsibilities for Council Members:

Mayor Dale Roper	City Hall/Fire Department/Fire District
Council Member Wes Bloomfield	Library/Library Board/Youth Council
Council Member Gayle Bunker	Airport/Planning & Zoning/Irrigation
Council Member Bruce Curtis	Water/Sewer
Council Member Robert Dekker	Streets/Parks
Council Member Glen Swalberg	Economic Development/Board of Adjustments/Beautification/Celebrations


Public Works Director Forster advised the Council that the Public Works Department is currently waiting on a new pickup and, during the budgeting process, they budgeted for a new, bumper mounted crane to be installed on it. Public Works Director Forster has received bids by telephone from the only two companies in Utah which handle the crane. Public Works Director Forster told the Council that H & K Truck bid \$3,503.60 for the crane, installed on the truck; Holland Equipment bid \$3,285.00 for the same crane. The Holland Equipment sales person indicated that they have a demo crane, which has been on the sales person's truck, that has extras such as stainless steel cable, swing control, crank down stabilizers, and safety features, for \$3,695.00, installed. The new price for the same model would be \$1,000 more. Public Works Director Forster expressed his desire to purchase the demo crane for \$3,695 and advised the Council that \$4,500 has been budgeted for the purchase of the crane.

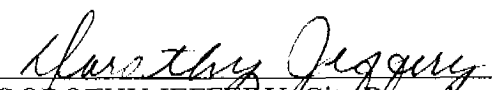
Council Member Robert Dekker MOVED to purchase the demo Western Mule Model A2000 crane from Holland Equipment for \$3,695. The motion was SECONDED by Council Member Glen

Swalberg. Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Mayor Roper asked if there were any comments, questions, or other items to be discussed. There being none, Council Member Robert Dekker MOVED to adjourn the meeting. The motion was SECONDED by Council Member Wesley Bloomfield. Mayor Roper asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Mayor Roper adjourned the meeting at 8:40 p.m.


R. DALE ROPER, Mayor


DOROTHY JEFFERY, City Recorder

MINUTES APPROVED: RCCM 03-09-98